

**Parc Dulles II**  
**(ZMAP 2002-0017)**

**PROFFER STATEMENT**

***March 4, 2004***

***Revised March 10, 2008***

***Revised February 20, 2009***

***Revised July 27, 2009***

***August 31, 2009***

***October 15, 2009***

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## **EXHIBITS**

### **Exhibit A:**

**Parc Dulles II Rezoning Application Plan Set, prepared by Dewberry and Davis, LLC, dated July, 2002, as revised through October 15, 2009**

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#### **PREAMBLE**

Pursuant to the Code of Virginia, 1950, as amended, and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance ("Zoning Ordinance"), as amended, DTC Partners, LLC (the "Owner"), owner of Loudoun County Tax Map 80, Parcel 102 (MCPI 029-37-6224) (portion) consisting of approximately 34.1 acres of real property (the "Property") which is the subject of rezoning application ZMAP 2002-0017, hereby voluntarily proffers that development of the Property shall be in substantial conformity with the proffers as set forth below (the "Proffers") and with Sheets 1 and 4 of Exhibit A, Parc Dulles II Rezoning Application Plan set, prepared by Dewberry & Davis, LLC, dated July, 2002, revised through October 15, 2009. All Proffers made herein are contingent upon the approval by the Board of Supervisors of Loudoun County (the "Board") of the change in the zoning district requested in rezoning application ZMAP 2002-0017 from the PD-IP zoning district to the R-24 and PD-CC(CC) zoning districts.

#### **I. REZONING PLAT**

**A. Substantial Conformity.** The Owner proffers that the Property shall be developed in substantial conformity with Sheets 1 and 4 of the Parc Dulles II Rezoning Application Plan Set attached hereto as Exhibit A dated July, 2002, with revisions through October 15, 2009, prepared by Dewberry and Davis, LLC (collectively the "Rezoning Plat"). The Property shall be developed as follows:

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**1. Residential Land Use.**

- a. **Density.** To include up to 445 multi-family units, of which 6.25% of the actual units built shall be Affordable Dwelling Units (ADUs), as, and to the extent, required by Section 7-100 of the Zoning Ordinance and to be disbursed throughout the site as, and to the extent, required by Section 7-100 of the Zoning Ordinance.
- b. **Design.** Residential buildings, including associated community center facilities, shall be designed and constructed with a combination of architectural design and materials found generally in better quality luxury residential developments in Loudoun County such as those used in the residential project located immediately to the north of the Property and known as "Parc Dulles." Additional design commitments include pedestrian-scale lighting and the provision of benches in active recreation spaces. A Type II Rear buffer yard will be provided adjacent to the PD-CC(CC) zoning district.

**2. Commercial Land Use.**

- a. **Density.** To include up to 117,000 square feet of uses permitted in the PD-CC(CC) zoning district allocated as follows:
  - i. 17,000 sf shall be available solely for the Public Use Site.
  - ii. Development outside of the Public Use Site shall not exceed 100,000 square feet. No more than 60,000 square feet shall be available for permitted non-office PD-CC(CC) uses. Up to 75,000 square feet shall be available for office uses. (23,400 square feet of office use is permitted in the PD-CC(CC) zoning district, and 51,600 square feet of office use is permitted pursuant to Special Exception 2008-0027).
  - iii. A tabulation, by square footage, of all uses within the PD-CC(CC) land bay shall be provided on all site plans for the area designated as "Limits of Office Special Exception," on Sheet 4 of the Rezoning Plat. Said tabulations shall categorize uses as "Office-by right," "office – by Special Exception," or "non-office, by-right" and shall provide the

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cumulative square footage of each along with the maximum permitted for each category.

**3. Phasing.** Prior to the issuance of the 400<sup>th</sup> zoning permit for residential uses in the R-24 Zoning District, the Owner shall have obtained zoning permits for at least 14,000 square feet of development in the PD-DD(CC) Zoning District, excluding the Public Use Site.

The Property shall also include 10.2 acres of open space in the area shown on the Rezoning Plat as Approximate Open Space, Approximate Active Recreation Space, and Tree Conservation Area.

**B. Administration.** The Property will be developed in accordance with the PD-CC(CC) Zoning District pursuant to Section 4-200 of the Zoning Ordinance and the R-24 Zoning District, pursuant to Section 3-700 of the Zoning Ordinance.

**II. PUBLIC WATER AND SANITARY SEWER**

The Property shall be developed using public water and sewer facilities, which shall be provided to the Property at no cost to Loudoun County (the "County") or to Loudoun Water.

**III. STORMWATER MANAGEMENT AND WATER QUALITY**

**A. Water Quality.** The Owner will provide water quality and Best Management Practices ("BMPs") in accordance with the Loudoun County Facilities Standards Manual ("FSM") standards applicable at the time of Site Plan submission. BMP Facility 1, as depicted on Sheet 4, will be provided as a retention (wet) pond with sediment forebays, and will be located to the extent practical so as to not disturb the adjacent wetlands and drainage channel. This facility shall be constructed at the time of construction of the adjacent residential uses and shall provide BMPs for the new development of the Property located east of the on-site wetlands which drain to such facility, including the 3.3 acre Public Use Site. A temporary facility may be constructed on the Property to serve the PD-CC(CC) zoned property if commercial development therein precedes the residential development permitted in the R-24 zoning district.

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**B. Low Impact Development.** The Owner shall provide at least one Low Impact Development (LID) measure deemed likely to be effective based on the physical characteristics of the site. LID measures may include but are not limited to rain gardens, bio-swales, and other structural devices. Any LID measure will be subject to review and approval by the County to ensure that such LID measures are consistent with the Loudoun County Facilities Standards Manual (FSM) effective at the time of site plan review and shall be included in the site plan for the portion of the Property that includes the LID measure.

**C. Interim BMPs for Public Use Site.** Should the Public Use Site develop prior to the construction of BMP Facility 1, depicted on Sheet 4 of the Rezoning Plat, interim BMP facilities and/or LID strategies may be needed to serve the Fire/Rescue Site. The Owner shall provide temporary easements that may be needed for construction by the County of interim BMP/LID facilities and shall cooperate with the appropriate Loudoun County agency in siting such interim BMP facilities. Such temporary easements shall terminate at such time as BMP Facility 1 is constructed.

#### **IV. ARCHAEOLOGICAL SURVEY**

If the Owner is to perform any land disturbing activities within the area shown on the Rezoning Plat as "Archaeology Area," which includes the site identified as 44LD947 in the Phase I Archeological Study prepared by Thunderbird Archeological Associates, Inc, the Owner shall provide the County with the results of a Phase II Archeological Study of said site. If a Phase III Archeological Study is recommended for site 44LD947 as a direct result of the Phase II Study, the Phase III will be conducted prior to any land disturbance and/or approval of any site plan (whichever occurs first) for the Property. All future land development submissions that include the archaeological site shall depict the location of the site.

The Owner shall not be required to perform any additional archeological studies for site 44LD947 if the area identified as the Archaeology Site on the Rezoning Plat remains undisturbed. The Archaeology Site shall be demarcated with metal demountable (chain link) fencing during construction to protect the integrity of the site. Further, the restrictions set forth in Proffer VIII.C, "Tree Conservation Area," are applicable to the Archaeology Area.

#### **V. TRANSPORTATION**

**A. Road Network.** Unless otherwise specified in these Proffers, all roads constructed pursuant to these Proffers shall be constructed in accordance with the County of Loudoun's Land Subdivision and Development Ordinance (LSDO) and the Facilities Standards Manual (FSM) to provide access to the development parcels depicted on the Rezoning Plat. All

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roads proffered herein for access to and within the Property will be designed and constructed in accordance with Virginia Department of Transportation ("VDOT") and County standards for private roads, unless modified otherwise. Public ingress-egress easements will be placed on all private streets in the development for County and Emergency vehicles.

**B. Haleybird Drive Extended.** Prior to the issuance of approval of the first site plan for any residential development in the R-24 zoning district or prior to the issuance of the first occupancy permit for more than 50,000 square feet of non-residential development in the PD-CC(CC) zoning district (exclusive of the Public Use Site), whichever is first in time, the Owner shall submit an application to construct a 2-lane section of Haleybird Drive from its current terminus in Dulles Town Center to its intersection with Ridgetop Circle, including required turn lanes and a five (5) foot wide sidewalk to provide a pedestrian connection from the Property to Ridgetop Circle. The Owner shall commence construction within 120 days of receipt of all required approvals from the County and the existence of all necessary off-site right-of-way and easements. The Owner shall not be responsible for obtaining any off-site right-of-way or easements and shall not be required to incur any cost or expense with respect to the same. Upon completion of construction, the Owner shall cooperate with the County to seek to have the roadway constructed as a result of this proffer V.B accepted into the state system of public roads.

**C. Signalization.** The Owner shall: (i) submit to VDOT a warrant analysis prior to the issuance of the 300<sup>th</sup> residential zoning permit for the intersection of Haleybird Drive and City Center Boulevard, and (ii) within 24 months of the issuance of an occupancy permit for the 50,000<sup>th</sup> square foot of non-residential development, the Owner shall submit to VDOT a warrant analysis for the intersection of the site entrance and Nokes Boulevard. If the need for said signals is not substantiated by a warrant analysis, the owner shall cease to be obligated to provide signals but may provide a signal at a future time, if deemed warranted and approved for installation at such future time.

The Owner shall construct such of the signals referenced in the paragraph above that VDOT has deemed warranted and has approved for installation. Any signals provided shall include a pedestrian activated device, consistent with VDOT approvals.

In the event a fire and rescue station is constructed on the Property, the Owner shall install, if requested by the County and approved by VDOT, a signal designed to control traffic for emergency vehicles leaving the site. Furthermore, a signal pre-emption device will be included and a signal installed at the site entrance at Nokes Boulevard, if such signal is warranted, and if requested by the County.



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**D. Transit Services.**

1. **Bus Shelters.** In order to facilitate transit services, the Owner shall construct two bus shelters in locations within the area bounded by Route 28, Route 7, City Center Boulevard and Nokes Boulevard, inclusive of the roadways defining this area, to be designated by the Office of Transportation Services ("OTS") or such other appropriate Loudoun County agency. OTS shall have the right to request the desired location at any time from and after the issuance of the zoning permit for the 400<sup>th</sup> residential unit. Any bus shelter constructed shall be consistent with the County's minimum bus shelter design standards as of the date of approval of this application, ZMAP 2002-0017.

2. **Transit Contribution.** The Owner shall pay to the County Five Hundred and Seventy Five and 00/100 Dollars (\$575.00) for each residential unit constructed on the Property (the "Transit Contribution"). The Transit Contribution shall be paid prior to issuance of the zoning permit for each such residential unit. If the Board of Supervisors approves ZMAP 2007-0001, and, if that approval includes a proffered commitment to construct a Transit Center in proximity to Dulles Center Boulevard, the Owner shall have no obligation to pay the Transit Contribution described in this proffer, V.D.2.

**E. Construction Traffic.** Construction traffic will be directed by the Owner to access the Property via Nokes Boulevard or Haleybird Drive. For any construction on the Property after a Fire/Rescue station has been constructed on land dedicated to the County pursuant to Proffer VI.B, the Owner will provide to the Department of Fire and Rescue Services an access plan for construction vehicles to ensure that access to the Fire/Rescue site is not impeded during construction on other parts of the Property. Such a plan shall be provided prior to the issuance of the first zoning permit for the Property, following the opening of the Fire/Rescue station operation.

**F. Internal Access to Public Use Site**

1. The Owner shall provide access to the Public Use Site from the private road extending through the Property from Nokes Boulevard to the rear of the Public Use Site ("Major Travelway"), via the roadway depicted on Sheet 4 of the Rezoning Plat as the "Internal Access to Public Use Site." Said access shall be included in site plans that include the Major Travelway and constructed concurrently with the Major Travelway. If a fire and rescue station is constructed on the Public Use Site, said point of access and the Major Travelway shall be constructed to engineering specifications for a roadway that can accommodate emergency vehicles.

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2. If a fire and rescue station is constructed prior to the commercial property which includes the Major Travelway, the Owner shall, at the request of the County, construct a temporary internal access from the Nokes Boulevard entrance to the Property to the fire and rescue site. The interim access shall be closed when the Major Travelway is open for use and the Public Use Site can be accessed therefrom.

3. Within 60 days of submission of a site plan for a fire and rescue site on the Public Use Site, the Owner shall propose a Road Maintenance Agreement whereby the Owner is responsible for ordinary maintenance of the interim access, if constructed, and the permanent internal point of access depicted on Sheet 4 of the Rezoning Plat as the "Internal Access to Public Use Site." The Agreement shall stipulate that the County shall have no responsibility for the plowing, maintenance, replacement or construction of the Major Travelway or Internal Access to Public Use Site.

**VI. CAPITAL FACILITIES and OPEN SPACE EASEMENT CONTRIBUTIONS**

A. **Capital Facilities Contributions.** The Owner shall pay to the County a Capital Facilities Contribution in the amount of Ten Thousand Nine Hundred Thirty Seven and 00/100 Dollars (\$10,937.00) for each residential unit constructed on the Property (the "Capital Facilities Contribution"). The Capital Facilities Contribution shall be paid prior to issuance of the zoning permit for each such residential unit.

**B. Public Use Site.**

1. **Size of Site and Timing of Dedication.** The Owner shall dedicate to the County approximately 3.3 acres for a public use site (the "Public Use Site"), as shown on Sheet 4 of the Rezoning Plat. The Public Use Site shall be dedicated within 60 days of County approval of a record plat that creates such lot. The Owner shall submit an application to create a parcel within 60 days of the final unappealable approval of ZMAP 2002-0017. The Owner shall not grant easements that would materially adversely impact the development of the Public Use Site, nor make use of the Public Use Site, such as staging of construction or soil stockpiling, after approval of ZMAP 2002-0017 but before dedication to the County.

2. **Utilities.** The Owner shall be responsible for extending water and sewer services from the current terminus of such services to the boundary of Public Use Site.

3. **Acceptable Uses.** The Public Use Site shall be available first for the development of a Fire/Rescue Station, to be developed consistent with SPEX 2008-0026. At

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such time as the Department of Fire, Rescue and Emergency Management determines not to use the Public Use Site for a Fire/Rescue Station or related use, the Owner shall be notified and said site shall be available for use by the County as a park.

4. **Capital Facilities Credit.** Consistent with County Comprehensive Plan Policy, the Owner shall receive a credit against its Capital Facilities Contribution equal to the appraised value of the Public Use Site based on an appraisal performed by an appraiser on the County's approved list.

C. **Open Space Easement Program.** The Owner shall pay to the County for use in its Open Space Easement Program, a contribution in the amount of One Hundred Thirty Four and 81/100 Dollars (\$134.81) for each residential unit constructed on the Property (the "Open Space Easement Contribution"). The Open Space Easement Contribution shall be used by the County to purchase open space or to provide active recreation facilities in the Sterling Planning Subarea.

D. **Escalation Clause.** Sums proffered in Proffer V.D.2, "Transit Services," and Proffer VI.A, "Capital Facilities Contributions," shall escalate by 2% every five years, from the time of County zoning approval.

## VII. **ROUTE 28 TRANSPORTATION IMPROVEMENT DISTRICT PAYMENT**

As required by Section 15.2-4608 of the Virginia Code, as amended, on or before thirty (30) days following the final unappealable approval by the Board of ZMAP 2002-0017, the Owner shall tender to the County a lump sum payment in the amount of \$\_\_\_\_\_ which sum shall be the present value of the future special improvement taxes estimated by the County to be lost as a result of rezoning the Property to a residential use. Upon such payment, the Property shall not be obligated to pay taxes to the Route 28 Transportation Improvement District.

## VIII. **PEDESTRIAN NETWORK, RECREATION AND THE ENVIRONMENT**

A. **Pedestrian Network.** The Owner shall construct a pedestrian circulation system consisting of crosswalks, sidewalks and trails on the Property in substantial conformance with the circulation system illustrated on Sheet 4 of the Rezoning Plat, including the off-site sidewalk which extends from the intersection of Haleybird Drive and City Center Boulevard to Dulles Town Circle, and the crosswalk at the site entrance from Haleybird Drive. Sidewalks need not be constructed in locations where trails are constructed to provide the pedestrian circulation linkage depicted on Sheet 4 of the Rezoning Plat, but sidewalks shall be constructed on both sides of each private road within the Property. Sidewalks and trails shall be constructed at a width and of materials as required by the FSM. Sidewalks and trails shall be constructed in

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phases concurrently with the development of land in areas adjacent to such sidewalks and trails. Sidewalks and trails outside the public right-of-way shall be subject to an easement providing access to the general public in addition to residents of the Property. The Owner shall provide a minimum of 4 bike racks on the Property in locations selected by the Owner.

**B. Recreation.** The Owner shall construct active recreation uses in the approximate locations depicted on Sheet 4 of the Rezoning Plat. The active recreation uses shall, at a minimum, include:

- 5,000 square foot tot lot playground
- 8,000 square foot bathhouse/clubhouse/community center
- 2,500 square foot swimming facility, to include a swimming pool with a minimum size of 1,400 square feet
- Community and Village Greens.

The tot lot/playground, clubhouse facility, and pool facilities will be constructed prior to the issuance of the 250<sup>th</sup> zoning permit. The network of Community and Village Greens will be constructed in a manner concurrently with the development of land areas adjacent to such community and/or village greens.

**C. Tree Conservation.** Within the areas identified on the Rezoning Plat as "Tree Conservation Areas," the Owner shall implement a plan designed to preserve healthy trees from construction impacts provided, however, that trees may be removed to the extent necessary for the construction of trails and Stormwater Management Facilities that are required pursuant to the proffers and/or shown on the approved construction plans and profiles as lying within such Tree Conservation Areas and for the construction of utilities necessary for development of the Property. Within the area depicted as Archaeology Area, however, neither utilities nor stormwater management facilities are permitted. Within the area depicted as Sections A and B on the Stream Valley Plan described on Sheet 8, the areas more specifically identified as "Naturalized Planting Area" may be maintained as needed by the Owner and are excluded from the requirement to maintain tree canopy.

A minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the Rezoning Plat will not be removed, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved as a result of the construction of trails or Stormwater Management Facilities required pursuant to these proffers or as a result of the construction of utilities necessary for development of the Property within the designated Tree Conservation Areas, such lost canopy will be recaptured

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elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development, as well as on all site plans for the Property.

If, during construction on the Property, it is determined by the Owner's certified arborist and the County that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this proffer has been damaged as a consequence of construction and will not survive, then, prior to bond release on any section containing or immediately adjacent to a tree conservation area, the Owner shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area as requested by the County.

The Property Owners Association ("POA") documents shall include a provision that prohibits removal of trees in Tree Conservation Areas, as shown on the record plat, after construction has been completed by the Owner, without specific permission of the County Forester, except as necessary to accommodate forest management techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such management techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The POA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the POA without written approval from the County. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants.

**D. Wetlands Mitigation.** For any wetland and stream impacts on the Property, in conjunction with the permitting process by the United States Army Corps of Engineers ("USACE") and Virginia Department of Environmental Quality ("DEQ"), and if required by the USACE and/or DEQ, the Owner shall provide wetland mitigation in the following priority order: 1) onsite, 2) within the Broad Run Watershed Area within the same Loudoun County geographic Planning Policy Area, 3) within the Broad Run Watershed Area within another Loudoun County geographic Planning Policy Area, or 4) elsewhere within Loudoun County, subject to approval by USACE and DEQ. If no such areas are available within the County at a cost equal to or less than 110% of the cost of mitigation options elsewhere in the Potomac River Watershed, as verified by County Staff, the Owner shall be permitted to provide wetland mitigation outside of Loudoun County but within the Potomac River Watershed. This proffer does not preclude the Applicant from being able to use other means of mitigation acceptable to the Director of

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**Building and Development.**

**E. Noise Mitigation.** For all residential uses in the R-24 zoning district, the Owner shall ensure that interior noise levels will not exceed an average sound level of 45 dBA. The appropriate noise study conducted and certified by a licensed acoustical engineer shall be submitted concurrent with residential site plan to ensure that this interior noise standard is achieved.

**F. Stream Valley Plan.** The Owner shall submit to the County, concurrently with the first site plan application for any development in the R-24 zoning district, a re-vegetation plan as described on Sheet 8 to guide installation of plant material specified for Section A and Section B (located off-site) of the Stream Valley Plan provided on Sheet 8 for determination that such plan is consistent with Sheet 8. Installation, consistent with said re-vegetation plan, once it has been determined to be consistent with Sheet 8, shall be complete prior to issuance of the first occupancy permit for the R-24 zoning district. The restrictions described in Proffer VIII.C, "Tree Conservation Area," are applicable to Sections A and B of the Stream Valley Plan.

**G. Lighting.** All site lighting will be downward directed, fully shielded and in conformance with the Zoning Ordinance.

**H. Sustainable Development.**

1. **Construction Waste Management.** Prior to the approval of each building permit, the Owner shall provide the County with a Construction Waste Management Plan ('Plan') for the building associated with such permit for diverting from landfill disposal at least 50 percent of the construction debris generated by building construction on the Property. The Plan shall outline recycling and/or reuse of waste generated during construction. The Plan shall outline specific waste streams and identify the means by which waste will be managed (reused, reprocessed on-site, removed by licensed haulers for reuse/recycling, etc...). The Plan must include letters from contracted haulers, reproducers, and recyclers indicating that they are able to manage waste from construction on the Property, in accord with the Plan. The Owner shall use commercially reasonable efforts to implement the Plan throughout construction of the associated building.

2. **Water Conservation.** For all residential development, the Owner shall provide that the following types of fixtures and/or building components used in the project (in dwelling units and common areas) shall have earned the U.S. EPA's Water Sense label, or a similar standard: toilets, and sink fixtures. The Owner shall submit a statement to the County

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listing all Water Sense-qualified components prior to issuance of each residential certificate of occupancy.

3. **Energy Efficiency.** For all residential development, all of the following appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label, or similar standard: HVAC equipment, clothes washers, clothes dryers, dishwashers, and refrigerators. The Owner shall submit a statement listing all Energy Star-qualified components to be installed in each unit of the project prior to the issuance of the first residential certificate of occupancy.

For the residential lighting in the dwelling units, the Owner shall provide energy efficient fixtures that provide energy efficiency in lighting. For the commercial lighting in common areas which include lobbies, corridors, stairwells, common rooms, and fitness rooms, the Applicant shall provide energy efficient fixtures, that provide energy efficiency in lighting.

**IX. EMERGENCY SERVICES**

**A. Residential.** At the time of the issuance of each zoning permit, the Owner shall make a one time contribution of One Hundred Twenty Dollars (\$120.00) per unit for each residential dwelling unit, which shall be payable to the County, for distribution by the County to the primary volunteer fire and rescue companies providing service to the Property. Contributions pursuant to this paragraph shall be divided equally between the primary servicing fire and rescue companies providing fire and rescue services to the Property. At such time as the primary fire and rescue services to the Property are no longer provided by a volunteer fire and rescue company, the obligation to make these contributions at the time of issuance of zoning permits shall cease. In the event one service ceases to be provided by a volunteer company, the contribution will be halved and continue to the other volunteer company. The intent of these provisions is to support a volunteer fire and rescue system so long as it is a primary provider of fire and rescue services to the Property.

**B. Non-Residential.** At the time of the issuance of each zoning permit for non-residential uses, the Owner shall make a one-time contribution of \$0.10 per gross square foot of non-residential floor area, to the County, for distribution by the County to the primary volunteer fire and rescue companies providing service to the Property. For the purpose of this Section, non-residential floor area includes commercial and office area, but excludes HOA facilities and County owned facilities such as schools and or fire and rescue stations. Contributions pursuant to this paragraph shall be divided equally between the primary servicing fire and rescue companies providing service to the Property. Notwithstanding the foregoing, at such time as the primary fire and rescue services to the Property are no longer provided by incorporated volunteer

**PARC DULLES II**

*(ZMAP 2002-0017)*

**Proffer Statement**

March 4, 2004

*Revised March 10, 2008*

*Revised February 20, 2009*

*Revised July 27, 2009*

*Revised August 31, 2009*

*Revised October 15, 2009*

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companies, the obligation to make the contributions listed within this paragraph shall cease. The intent of these provisions is to support a volunteer fire and rescue system so long as a volunteer system is the primary provider of fire and rescue services to the Property. If only one of these services ceases to be provided by a volunteer company, then the contribution shall be halved and shall continue to be provided to the remaining volunteer company.

**X. OWNERS ASSOCIATION**

Prior to approval of the first record subdivision plat or site plan, whichever is first in time, the Property will be subjected to the Owners Association for Dulles Town Center as set forth in the Declaration for Dulles Town Center recorded as Instrument Number 20081224-0074249, among the land records of Loudoun County, Virginia.



**PARC DULLES II**

*(ZMAP 2002-0017)*

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**XI. BINDING EFFECTS**

The Owner warrants that it owns all interests in the Property; that it has full authority to bind the Property to these conditions; that no signature from any third party is necessary for these Proffers to be binding and enforceable in accordance with their terms; that the undersigned is fully authorized to sign these Proffers on behalf of the Owner; and that these Proffers are entered into voluntarily.

DTC Partners, LLC, a Virginia limited liability company

By: Lerner Enterprises LLC, its Manager

By: \_\_\_\_\_  
Its: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_, to-wit:

Before the undersigned, a Notary Public in and for the aforementioned jurisdiction, personally appeared \_\_\_\_\_, as \_\_\_\_\_ of Lerner Enterprises, LLC, as Manager of DTC Partners, LLC, who acknowledged that he executed the foregoing Proffers with the full power and authority to do so.

IN WITNESS WHEREOF, I have affixed my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

